

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

YOLETTE GEFFRARD,
Plaintiff

vs.

ROLFE & LOBELLO, P.A.,
Defendant

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CIVIL ACTION NO.

ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Yollette Geffrard files this Original Complaint against Defendant Rolfe & Lobello, P.A. and for causes of action, respectfully will prove according to the requisite burden(s) of proof:

I.

This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff seeks to recover monetary damages for Defendant's violation of the FDCPA, and to have an Order or injunction issued by this Court preventing Defendant from continuing its behavior in violation of the FDCPA. Jurisdiction of this Court arises under 15 U.S.C. §

1692k(d) and venue is proper before this Court as Plaintiff and/or Defendant reside in this District and/or the complained of actions occurred in this District.

II.

Plaintiff, Yolette Geffrard, is a natural person residing in Houston, Texas.

Defendant, Rolfe & Lobello, P.A., is a corporation engaged in the business of collecting debts by use of the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

III.

At various and multiple times prior to the filing of the instant complaint, including within the year preceding the filing of this Complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA in multiple ways, including but not limited to bringing a legal action against Plaintiff on a debt in a judicial district other than the judicial district where Plaintiff signed the contract sued upon or the judicial district in which Plaintiff resided at the commencement of the action. On or about June 30, 2007, Defendant sued Plaintiff and Plaintiff’s brother, Emmanuel Geffrard, for non-payment of a loan for a truck-driving school attended by Emmanuel.

Emmanuel Geffrard resided in Collier County at the time of suit and signed the contract in Collier County. However, Plaintiff co-signed the contract and resided in Orange County, Florida at time of suit, and later Plaintiff moved to Texas. Defendant recently filed a writ of garnishment pursuant to a judgment obtained against Ms. Geffrard. Defendant was required to file the garnishment in the judicial district where Plaintiff signed the contract, Orange County, Florida, or the judicial district where she currently resides in Texas. Instead, Defendant filed its Writ of Garnishment in Collier County in violation of 15 USC § 1692i (§ 1692i(a)(2)).

IV.

As a result of the above violations of the FDCPA, Plaintiff suffered and continues to suffer personal humiliation, embarrassment, mental anguish and emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

V.

Plaintiff hereby demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that a declaratory judgment be entered that defendants' conduct violated the FDCPA; that Plaintiff be awarded actual damages; that Plaintiff be awarded statutory damages pursuant to 15 U.S.C. § 1692k; that Plaintiff be awarded costs

and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k; and, for such other and further relief as may be just and proper.

Respectfully submitted,

By: /s/Susan Landgraf
Susan Landgraf
SD # 15824
Texas State Bar # 00784702
Attorney in Charge for Plaintiffs

WEISBERG & MEYERS, L.L.C.
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CERTIFICATE OF SERVICE

I certify that on January 20, 2010, I electronically filed the foregoing document with the clerk of the U.S. District Court, Southern District of Texas, Houston Division using the electronic case filing system of the court.

/s/ Susan A. Landgraf
SUSAN A. LANDGRAF